IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1581 of 2003

DATE OF DECISION:17.04.2007

Gordhan .....Appellant

Versus

Ramesh & Ors. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Sandeep Ghangas, Advocate
for the appellant.

Shri Sachin Mittal, Advocate
for the respondents.

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This is a plaintiff's regular second appeal against the judgement of reversal. The dispute in this appeal is about a Bara described as A B C D in the site plan. The trial Court though found that the plaintiff has failed to prove its ownership but granted the permanent injunction to him on the finding that he was in possession of the said Bara. The first appellate Court has reversed the finding of possession after appreciating the evidence led by the parties.

In this case, except the site plan Ex. PW3/A and the statement of the plaintiff, there is no other evidence showing the possession of plaintiff on the Bara. The site plan Ex. PW3/A has been prepared by PW-3 Rishi Lal, who in his cross-examination has stated that he had prepared the said site plan on the instructions of the plaintiff, and he never visited on the spot. The first appellate Court after appreciating the evidence available on record recorded a finding of fact to the effect that the plaintiff is not in possession of the plot in dispute, which is a vacant plot.

After hearing the counsel for the parties, I do not find any

illegality or perversity in the said findings of fact recorded by the first appellate Court and the same cannot be said to be wrong merely on the ground that the door of the appellant is opening towards the disputed site. No substantial question of law is also involved in this appeal.

Dismissed.

April 17, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**